

109TH CONGRESS
1ST SESSION

H. R. 518

To require the Secretary of the Interior to refine the Department of the Interior program for providing assistance for the conservation of neotropical migratory birds.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2005

Mr. KIND (for himself and Mr. GILCHREST) introduced the following bill;
which was referred to the Committee on Resources

A BILL

To require the Secretary of the Interior to refine the Department of the Interior program for providing assistance for the conservation of neotropical migratory birds.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Neotropical Migratory
5 Bird Conservation Improvement Act of 2005”.

6 **SEC. 2. AMENDMENTS TO NEOTROPICAL MIGRATORY BIRD**
7 **CONSERVATION ACT.**

8 (a) FINDINGS.—Section 2(1) of the Neotropical Mi-
9 gratory Bird Conservation Act (16 U.S.C. 6101(1)) is

1 amended by inserting “but breed in Canada and the
2 United States” after “the Caribbean”.

3 (b) PURPOSES.—Section 3(2) of the Neotropical Mi-
4 gratory Bird Conservation Act (16 U.S.C. 6102(2)) is
5 amended by inserting “Canada,” after “United States,”.

6 (c) DEFINITION OF CARIBBEAN.—Section 4 of the
7 Neotropical Migratory Bird Conservation Act is amended
8 by redesignating paragraphs (2) and (3) in order or para-
9 graphs (3) and (4), and by inserting paragraph (1) the
10 following:

11 “(2) CARIBBEAN.—The term ‘Caribbean’ in-
12 cludes Puerto Rico and the United States Virgin Is-
13 lands”.

14 (d) COST SHARING.—Section 5(e) of the Neotropical
15 Migratory Bird Conservation Act (16 U.S.C. 6104(e)) is
16 amended—

17 (1) in paragraph (1) by striking “25 percent”
18 and inserting “50 percent”; and

19 (2) in paragraph (2) by amending subpara-
20 graph (B) to read as follows:

21 “(B) FORM OF PAYMENT.—

22 “(i) PROJECTS IN THE UNITED
23 STATES AND CANADA.—The non-Federal
24 share required to be paid for a project car-

ried out in the United States or Canada
shall be paid in cash.

“(ii) PROJECTS IN LATIN AMERICA
AND THE CARIBBEAN.—The non-Federal
share required to be paid for a project car-
ried out in Latin America or the Caribbean
may be paid in cash or in kind.”.

(e) ADVISORY GROUP.—

(1) REQUIREMENT TO CONVENE.—Section
7(b)(1) of the Neotropical Migratory Bird Conserva-
tion Act (16 U.S.C. 6106(b)(1)) is amended by
striking “may” and inserting “shall”.

(2) DEADLINE.—The Secretary of the Interior
shall convene an advisory group pursuant to the
amendment made by paragraph (1) by not later
than 6 months after the effective date of this Act.
Notwithstanding the preceding sentence, the sched-
ule previously established by the United States Fish
and Wildlife Service for the submission, judging, and
awarding of grants shall not be delayed by virtue of
the convening of the advisory group.

(3) COMPOSITION.—The advisory group as a
whole shall have expertise in the methods and proce-
dures set forth in section 4(2) of the Neotropical Mi-
gratory Bird Conservation Act (16 U.S.C 6103(2))

1 in each country and region of the Western Hemi-
 2 sphere.

3 (4) FEDERAL ADVISORY COMMITTEE ACT.—The
 4 provisions of the Federal Advisory Committee Act (5
 5 U.S.C. App.) shall not apply to the advisory com-
 6 mittee required by the amendment made by para-
 7 graph (1).

8 (f) REPORT.—Section 8 of the Neotropical Migratory
 9 Bird Conservation Act (16 U.S.C. 6107) is amended by
 10 striking “October 1, 2002,” and inserting “2 years after
 11 the date of the enactment of the Neotropical Migratory
 12 Bird Conservation Improvement Act of 2005”.

13 (g) NEOTROPICAL MIGRATORY BIRD CONSERVATION
 14 FUND.—

15 (1) IN GENERAL.—Section 9 of the Neotropical
 16 Migratory Bird Conservation Act (16 U.S.C. 6108)
 17 is amended by striking so much as precedes sub-
 18 section (c) and inserting the following:

19 **“SEC. 9. NEOTROPICAL MIGRATORY BIRD CONSERVATION**
 20 **FUND.**

21 “(a) ESTABLISHMENT.—There is established in the
 22 Treasury a separate account, which shall be known as the
 23 ‘Neotropical Migratory Bird Conservation Fund’. The
 24 Fund shall consist of amounts deposited into the Fund
 25 by the Secretary of the Treasury under subsection (b).

1 “(b) DEPOSITS INTO THE FUND.—The Secretary of
2 the Treasury shall deposit into the Fund—

3 “(1) all amounts received by the Secretary in
4 the form of donations under subsection (d); and

5 “(2) other amounts appropriated to the Fund.”.

6 (2) ADMINISTRATIVE EXPENSES.—Section
7 9(c)(2) of the Neotropical Migratory Bird Conserva-
8 tion Act (16 U.S.C. 6108(c)(2)) is amended by
9 striking ‘\$80,000’ and inserting ‘\$150,000’.

10 (3) CONFORMING AMENDMENTS.—The
11 Neotropical Migratory Bird Conservation Act is
12 amended as follows:

13 (A) In section 4 (16 U.S.C. 6103), by
14 striking paragraph (1) and inserting the fol-
15 lowing:

16 “(1) FUND.—The term ‘Fund’ means the
17 Neotropical Migratory Bird Conservation Fund es-
18 tablished by section 9(a).”.

19 (B) In section 9(d) (16 U.S.C. 6108(d)),
20 by striking “Account” and inserting “Fund”.

21 (4) TRANSFER.—The Secretary of the Treasury
22 may transfer to the Neotropical Migratory Bird Con-
23 servation Fund amounts that were in the
24 Neotropical Migratory Bird Conservation Account
25 immediately before the enactment of this Act.

1 (h) AUTHORIZATION OF APPROPRIATIONS.—Section
2 10 of the Neotropical Migratory Bird Conservation Act
3 (16 U.S.C. 6109) is amended to read as follows:

4 **“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

5 “(a) IN GENERAL.—There is authorized to be appro-
6 priated to the Fund to carry out this Act the following
7 amounts:

8 “(1) \$5,000,000 for fiscal year 2006.

9 “(2) \$5,000,000 for fiscal year 2007.

10 “(3) \$10,000,000 for fiscal year 2008.

11 “(4) \$15,000,000 for fiscal year 2009.

12 “(b) AVAILABILITY.—Amounts appropriated under
13 this section may remain available until expended.

14 “(c) ALLOCATION.—Of amounts appropriated under
15 this section for each fiscal year, not less than 75 percent
16 shall be expended for projects carried out outside the
17 United States.

18 “(d) LIMITATION ON EXPENDITURES FOR PROJECTS
19 IN CANADA.—Amounts appropriated under this section
20 for a fiscal year may not be used for any project in Canada
21 unless the amount available to carry out this Act for that
22 fiscal year is greater than \$10,000,000.”.

○